

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

IN RE:)
)
MICHAEL B. SHAUGHNESSY and) CASE NO. 04-66035 JPK
RHONDA SHAUGHNESSY,) Chapter 13
)
Debtors.)

ORDER ENJOINING FILING FOR A PERIOD OF ONE YEAR

By order entered on May 9, 2005, the Court dismissed the debtors' chapter 13 case. By order entered on June 2, 2005, the Court retained jurisdiction with respect to the trustee's request that the debtors be barred from filing a subsequent case under the United States Bankruptcy Code for a period of one year. A hearing was held on July 18, 2005 with respect to the trustee's request; the record establishes that notice of the July 18, 2005 hearing was provided to the debtors. At the hearing, the trustee appeared by counsel Julia M. Hoham; Mortgage Electronic Registration Systems, Inc. appeared by counsel Seth Buitendorp; the debtors failed to appear.

The Court finds that the debtors have engaged in a persistent and continuous course of conduct which constitutes abuse of the federal bankruptcy laws, resulting in extraordinarily prejudicial delay to the entity having mortgage interests in the debtors' property. Prior to this case, Michael Shaughnessy had filed for chapter 13 relief 4 times since 1998, in case numbers 98-64008, 99-63711, 00-63802, 01-64990; each of these cases was dismissed within relatively short periods of time following filing of the petition due to default by the debtor with respect to obligations imposed upon him by the Bankruptcy Code and/or orders of the Court. Rhonda Shaughnessy then filed for chapter 13 relief in case numbers 03-60457 and 04-60887; each of those two cases was dismissed within a relatively short time of filing of the petition due to her failure to comply with her obligations under the Bankruptcy Code and/or orders of the Court. The Court finds that the serial filings by the debtors, culminating with the joint filing of instant

case, establishes a pattern of abuse solely aimed at frustrating the rights and interests of creditors, particularly the creditor having mortgage interests in the debtors' property. The Court thus finds that the debtors should be enjoined for a period of one year from filing for relief under any chapter of the Bankruptcy Code in any court of the United States pursuant to 11 U.S.C. § 105(a) and 11 U.S.C. § 349(a).

IT IS ORDERED that the debtors Michael Shaughnessy and Rhonda Shaughnessy, jointly and severely, are hereby enjoined pursuant to 11 U.S.C. § 105(a) and 11 U.S.C. § 349(a) from filing another Petition under any chapter of the Bankruptcy Code in any court of the United States for the period commencing May 10, 2005 through and including May 9, 2006.

Dated at Hammond, Indiana on August 2, 2005.

/s/ J. Philip Klingeberger
J. Philip Klingeberger, Judge
United States Bankruptcy Court

Distribution:
Pro Se Debtors,
Trustee, US Trustee
All Creditors
All Parties in interest